

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	28/03/23
Planning Manager / Team Leader authorisation:	SCE	29.03.2023
Planning Technician final checks and despatch:	ER	30/03/2023

**Application:** 23/00184/VOC **Town / Parish:** Little Oakley Parish Council

**Applicant:** Mr Paul Mitchell - Be In Property Ltd

**Address:** 70 - 72 Rectory Road Little Oakley Harwich

**Development:** Application under Section 73 of the Town and Country Planning Act, to allow a variation of condition 2 (Approved Plans) of 21/01803/FUL for a revised car parking layout.

### 1. Town / Parish Council

Little Oakley Parish Council

Little Oakley Parish Council objects this application on the following grounds:

1. That the parking bays do not meet the criteria of the preferred bay size for cars as stipulated in the Essex Parking Standards (2009). The Council do not consider this to be an exceptional circumstance, where the parking bay size can be reduced. Essex Highways in their recommendation for this planning application state each parking space shall be a minimum of 2.5m x 5.5m - this is clearly not the case.

2. It is the opinion of the Council that the parking bay sizes should be increased as much as possible to avoid larger vehicles overhanging the shared driveway or the highway, and to avoid any permanent parking on the highway by occupants of this dwelling.

### 2. Consultation Responses

ECC Highways Dept  
24.02.2023

It is noted that this application concerns variation of condition 8 of the original planning application 21/01803/FUL to relocate one parking space from the rear to the front of dwelling, so two spaces will be provided at the front of each property. The applicant has demonstrated that the amended layout will allow for enough space for the vehicle to enter and leave the proposed space without impeding the shared private driveway, therefore:

The Highway Authority does not object to the proposals as submitted.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.5 metres.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### **3. Planning History**

21/01803/FUL	Conversion of one dwelling back into two dwellings. Two storey rear extension to both proposed dwellings following demolition of existing rear single storey extension.	Approved	24.03.2022
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### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

## **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### **Site Description**

The application site is Numbers 70 and 72 Rectory Road, which are located to the northern side of this road within the parish of Little Oakley. The character of the area is semi-rural in nature; the two properties are bounded by additional residential properties to the east and west, however there are large areas of agricultural land further out to the north and south.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033. Approximately 50 metres to the east is a Grade II Listed Building.

### **Planning History**

Under planning permission 21/01803/FUL, in March 2022 planning permission was granted for the conversion of one dwelling into two dwellings. In addition, the permission granted consent for a two storey rear extension to both dwellings following the demolition of the existing rear single storey extension.

### **Description of Proposal**

This application seeks planning permission for the variation of Condition 2 (approved plans) of 21/01803/FUL in order to provide for a revised car parking layout.

Within the earlier planning permission, parking space 2 was located to the rear of Number 72 with the three remaining spaces sited to the front of the properties. The revised layout will see all four parking spaces located to the front of the two properties.

## Assessment

### 1. Principle of Development

Within the previous planning permission, it was acknowledged that the application site is located outside the settlement boundary of Little Oakley. However, due weight was given to the fact that the dwelling was historically two separate dwellings and there were minimal material external changes. Accordingly, the principle of development has previously been considered acceptable.

### 2. Visual Impacts

Paragraph 130 of the National Planning Policy Framework (NPPF) (2021) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

The development is very similar to that previously granted planning permission under reference 21/01803/FUL, with the only alterations to that approved scheme being a revised parking layout to re-locate one parking space from the rear of Number 72 to the front. This will be visible from the street scene, however Officers do not consider it would result in any visual harm given it would be entirely expected, and also be in-keeping with neighbouring properties who also have vehicles parked to the front.

### 3. Highway Safety

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.

Essex Highways Authority have been consulted on the application and do not raise any objections to the revised parking layout, as sufficient room is available for vehicles to enter and exit the site.

Essex Parking Standards (2009) state that for dwellings with two or more bedrooms, a minimum of two parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The amended layout demonstrates a total of four parking spaces, with two sited at the front of each of the properties. While the parking bays shown do not meet the above standards, Officers note there is additional space to the front of each dwelling that can comfortably meet the necessary standards, and therefore raise no objections this regard.

### 4. Renewable and Energy Conservation Measures

Paragraph 112 of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. However, recent UK Government announcements that ULEV charging points will become mandatory for new development have yet to be published.

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations.

The wider proposal results in the sub-division of one dwelling into two dwellings, which in turn provides the opportunity for solar photovoltaic panels, electric vehicle charging points and other sustainability measures. However, on this occasion it is noted that the permission was already granted without the need for this within reference 21/01803/FUL, and it would therefore not be reasonable for Officers to include a condition requesting such information be provided.

## 5. Financial Contribution - RAMS

A completed unilateral undertaking has previously been agreed to secure a financial contribution towards RAMS within planning permission 21/01803/FUL. It would therefore not be reasonable or necessary for Officers to request a further contribution on this occasion.

### Other Considerations

Little Oakley Parish Council objects to the application on the basis that they consider the parking bays are not of a sufficient size, which would result in highway safety concerns.

There have been two additional letters of objection received, again highlighting concerns that there is insufficient space for the necessary car parking and that it would block up a shared driveway, which potentially leads to parking on-street to the detriment of highway safety.

In response to this, the assessment of the proposed parking spaces is considered in detail within the main body of the report above, and the plans show the parking area located within the red line of the application, and any potential issue of blocking a shared driveway would be a matter that falls outside of the planning system, and can therefore not be taken into consideration.

### Conclusion

The principle of a residential dwelling in this location has previously been established within permission 21/01803/FUL. Officers raise no concerns in relation to the revised parking layout, given it will not be visually harmful and will still ensure sufficient space for vehicular parking. Essex Highways Authority have also raised no objections, and accordingly the application is policy compliant and recommended for approval.

## 6. Recommendation

Approval.

## 7. Conditions

### 1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

21/01803/FUL:

Drawing Numbers DR -A-003 B and DR -A-004 B.

23/00184/VOC:

Drawing Number DR -A-005 Rev A.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 2 There should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage for both dwellings. Such vehicular visibility splays shall be provided before the road access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 3 No unbound material shall be used in the surface treatment of each vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- 4 At no point shall gates be provided at the vehicular access for either dwelling. The access shall remain open and free for use thereafter.

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety.

- 5 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 6 Prior to the occupation of either property, each proposed private drive shall be constructed to a maximum width of 5.5 metres for at least the first 6 metres from the back of Highway Boundary and provided with an appropriate dropped kerb crossing of the verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- 7 The proposed dwellings shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

- 8 Prior to first occupation of the dwelling hereby approved, a scheme for the provision of electric vehicle charging facilities shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities as may be approved shall be installed in a working order, prior to first occupation.

Reason: In order to promote sustainable transport.

## **8. Informatives**

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Adherence with Approved Plans:

Within Drawing Number DR -A-005 Rev A, it shows details of soft landscaping to the front of both properties. Upon undertaking a site visit Officers note while there is an area of soft landscaping provided this appears to be less than that shown on the approved plans. Officers advise that the approved plans must be adhered to.